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**IS THERE A REFUND DUE ON  
THIS CASE ?**

\_\_\_\_ YES (FEE CODE AMT. \_\_\_\_\_)

\_\_\_\_ NO: REASON FOR DENIAL:


**PLEASE RETURN TO: FRANCES ROBINSON SO IT CAN  
BE REMOVED FROM THE REFUND LIST.**

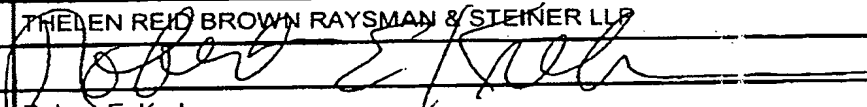
PTO/SB/21 (01-08)

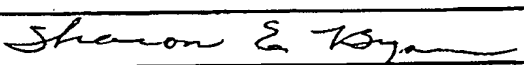
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/568,291	<b>RECEIVED</b>  <b>JUL 16 2008</b>  <b>PCT LEGAL ADMINISTRATION</b>
	Filing Date	February 4, 2006	
	First Named Inventor	Tae Jun Chung	
	Art Unit	3731	
	Examiner Name	(to be assigned)	
Total Number of Pages in This Submission	10	Attorney Docket Number	035967-011

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Deposit Account Statement (Exhibit "A"); Copy of Decision on Petition (Exhibit "B"); Return Postcard
<div style="border: 1px solid black; padding: 2px; width: fit-content;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	THELEN REID BROWN RAYSMAN & STEINER LLP		
Signature			
Printed name	Robert E. Krebs		
Date	May 23, 2008	Reg. No.	25,885

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Sharon E. Byam	Date	May 23, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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2008 MAY 27 AM 3:36

Docket No. 035967-021

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Tae Jun Chung  
SERIAL NO.: 10/568,299 CONFIRMATION NO.: 3380  
FILING DATE: February 14, 2006  
TITLE: A SKIN RESURFACING DEVICE  
EXAMINER: (to be assigned)  
ART UNIT: 3731

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop 16, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on the date printed below:

Date: 5/23/08Name: Sharon E. Byam  
Sharon E. Byam

MAIL STOP: 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND OF FEES

Dear Sir:

Applicant respectfully requests that the United States Patent and Trademark office issue a refund in the amount of \$770.00, to: THELEN REID BROWN RAYSMAN & STEINER LLP, Deposit Account No. 50-1698 which we believe was charged in error on February 20, 2008 by the United States Patent and Trademark Office as follows: \$770.00 for Code 2453, representing charges for a Petition to Revive (Posting Entry No. 10568299). A copy of the Deposit Account Statement is enclosed as Exhibit "A".

Docket No. 035967-021

Applicant filed a Petition to Revive on February 15, 2008 because the subject application became abandoned for failure to respond to the Notification of Missing Requirements, mailed by the U.S. Patent Office on February 5, 2007, which Applicants never received.

Upon receipt of a Notification of Abandonment on December 14, 2007, Applicants contacted the U.S. Patent Office and was advised that the Notification of Missing Requirements had been returned to them after being mailed out to an incorrect address.

Applicants followed up by filing the required Petition For Revival for Patent Abandonment Unintentionally Under 37 CFR 1.137(b) and an executed Declaration and Power of Attorney, thus meeting the requirements of the Notification of Missing Requirements.

Subsequently, a Decision on Petition Under 37 CFR 1.137(b) was mailed on March 17, 2008, granting the Petition For Revival. A copy of the Decision is enclosed as Exhibit "B".

Applicant, hereby requests that the \$770.00 which was charged in error be refunded to our Deposit Account No. 50-1698 as soon as possible. Please call the undersigned at the number below if you have any questions regarding this matter.

Respectfully submitted,

THELEN REID BROWN RAYSMAN & STEINER LLP



Suvashis Bhattacharya  
Reg. No. 46,554

Dated: May 18, 2008

THELEN REID BROWN  
RAYSMAN & STEINER LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
Telephone: (408) 292-5800  
Facsimile: (408) 287-8040



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**Deposit Account Statement**

Requested Statement Month: February 2008  
 Deposit Account Number: 501698  
 Name: THELEN REID BROWN FAYSMAN & STEINER LLP.  
 Attention: CATHY ELCHINOFF  
 Street Address 1: 225 W. SANTA CLARA STREET  
 Street Address 2: 12TH FLOOR  
 City: SAN JOSE  
 State: CA  
 Zip: 95113-1723  
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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EXHIBIT "A"  
(see page 4)

SV #333367 v1

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02/28 142	10536505	034299-635	504	\$300.00	\$19,824.00
02/28 143	10536505	034299-635	1001	\$3.00	\$19,821.00
02/28 54	11302003	CISCO-12992 (032590-317)	801	\$810.00	\$19,011.00
02/28 13902	10592571	034299-000710	1021	\$40.00	\$18,971.00
02/29 3513	11988343	034299-000814	1021	\$40.00	\$18,931.00
02/29 2	90008138	033117-174	1814	\$130.00	\$18,801.00
02/29 3	90008137	033117-173	1814	\$130.00	\$18,671.00
02/29 85	12072520	034299-000833	1011	\$310.00	\$18,361.00
02/29 86	12072520	034299-000833	1111	\$510.00	\$17,851.00
02/29 87	12072520	034299-000833	1311	\$210.00	\$17,641.00
02/29 46	12070872	PURP-0003 [037273-013]	1021	\$40.00	\$17,601.00
02/29 15615	6784444		2551	\$465.00	\$17,136.00

START  
BALANCE

\$68,686.00

SUM OF  
CHARGES

\$70,891.00

SUM OF  
REPLENISH BALANCE

\$19,341.00 \$17,136.00

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SAN JOSE CA 95164-0640

In re Application of  
CHUNG  
Application No.: 10/568,299  
PCT No.: PCT/KR2004/002044  
Int. Filing Date: 13 August 2004  
Priority Date: 14 August 2003  
Attorney Docket No.: 035967-021  
For: SKIN RESURFACING DEVICE

DECISION ON  
PETITION UNDER  
37 CFR 1.137(b)

This decision is in response to applicant's submission filed 15 February 2008.

#### BACKGROUND

On 13 August 2004, applicant filed international application PCT/KR2004/002044 which designated the U.S. and claimed a priority date of 14 August 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 24 February 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 February 2006.

On 14 February 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 05 February 2007, a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) was mailed indicating, *inter alia*, that a declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 11 December 2007, a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) was mailed indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 05 February 2007 within the time period set therein.

On 15 February 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a declaration of the inventor.

#### DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

EXHIBIT "B"

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MMW  
03/20/08

Application No.: 10/568,299

-2-

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted a declaration of the inventor on 15 February 2008.

As to item (2), applicant submitted the petition fee on 15 February 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventor filed 15 February 2008 is in compliance with 37 CFR 1.497(a)-(b).

#### **CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
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